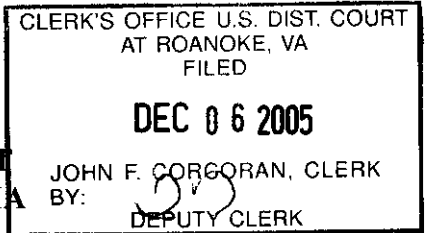


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



LINDA HOLLIDAY,

Plaintiff,

v.

VIRGINIA EMPLOYMENT  
COMMISSION,

Defendant.

Civil Action No. 7:05-cv-00114

MEMORANDUM OPINION  
AND ORDER

By: Samuel G. Wilson  
United States District Judge

Plaintiff Linda Holliday filed this action against the Virginia Employment Commission ("VEC"), alleging violations of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 et seq. ("Title VI"), 42 U.S.C. § 1981, and 42 U.S.C. § 1983. The matter is before the court on the VEC's motion for summary judgment. The court conducted a hearing on the motion on September 1, 2005. At the hearing, Holliday conceded that because VEC is an arm of the Commonwealth it is not liable for monetary damages under § 1981 or § 1983. Because Holliday does not contest this portion of the motion for summary judgment, the court hereby grants in part VEC's motion for summary judgment as it pertains to the § 1981 and § 1983 claims.

VEC has now withdrawn that portion of its pending motion for summary judgment pertaining to the Title VI claim. Thus, the court hereby denies the motion for summary judgment to the extent that it concerns the Title VI claim.

For the foregoing reasons, it is hereby **ORDERED** and **ADJUDGED** that the motion for summary judgment is **DENIED** in part and **GRANTED** in part.

ENTER: This 6th day of December, 2005.

  
UNITED STATES DISTRICT JUDGE